

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
FLORIDA MIAMI DIVISION
MDL No. 3076
Case No. 1:23-md-03076-KMM

IN RE:
FTX Cryptocurrency Exchange Collapse Litigation

This document relates to:

THIS DOCUMENT RELATES TO ALL ACTIONS

**PLAINTIFFS' NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN SUPPORT
OF PLAINTIFFS' RESPONSES IN OPPOSITION TO DEFENDANTS' MOTIONS TO
DISMISS [ECF No. 349, 350, 354, 358, 361, 362, 368, 369, 370, 371, 372, 543]**

Plaintiffs submit, as supplemental authority in support of their Responses in Opposition [ECF No. 349, 350, 354, 358, 361, 362, 368, 369, 370, 371, 372, 543] to Defendants' Motions to Dismiss the Complaint [ECF No. 262, 265, 271, 276, 281, 283, 301, 302, 303, 311, 499], and in follow up on Plaintiffs' Notices of Filing Supplemental Authority filed in this action on March 14, 2024 [ECF No. 535], March 21, 2024 [ECF No. 552], and March 27, 2024 [ECF No. 559], a recent order denying defendants' motion for judgment on the pleadings by the Honorable Katherine Polk Failla of the Southern District of New York in *SEC v. Coinbase, Inc., et. al.*, 23 Civ. 4738 (KPF), ECF No. 105 (S.D.N.Y. Mar. 27, 2024) (the "Coinbase Order"), where the Securities and Exchange Commission brought claims against Coinbase, Inc., and Coinbase Global, Inc. (together the "Coinbase Defendants"), for serving as an "unregistered intermediary of securities." Coinbase Order, at 2. The Coinbase Order is attached hereto as **Exhibit A**.

In the Coinbase Order, Judge Failla denied the Coinbase Defendants' motion for judgment on the pleadings with respect to all but one claim, finding "the SEC has sufficiently pleaded that Coinbase operates as an exchange, as a broker, and as a clearing agency under the federal securities laws, and, through its Staking Program, engages in the unregistered offer and sale of securities." *Id.* at 84.¹ Judge Failla also found that the SEC had pleaded "control person liability" for Coinbase Global. *Id.*

¹ Judge Failla only granted the motion as to the SEC's claim that Coinbase acted as an unregistered broker through its "Coinbase Wallet" service. *Id.* at 78, 84.

Dated: March 27, 2024,

Respectfully submitted,

<u>Plaintiffs' Co-Lead Counsel</u>	
By: <u>/s/ Adam Moskowitz</u> Adam M. Moskowitz Florida Bar No. 984280 Joseph M. Kaye Florida Bar No. 117520 THE MOSKOWITZ LAW FIRM, PLLC Continental Plaza 3250 Mary Street, Suite 202 Coconut Grove, FL 33133 Office: (305) 740-1423 adam@moskowitz-law.com joseph@moskowitz-law.com service@moskowitz-law.com	By: <u>/s/ David Boies</u> David Boies Alex Boies Brooke Alexander BOIES SCHILLER FLEXNER LLP 333 Main Street Armonk, NY 10504 Office: (914) 749-8200 dboies@bsflp.com aboies@bsflp.com balexander@bsflp.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on March 27, 2024, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam Moskowitz
Adam Moskowitz